

ASSEMBLY BILL

No. 1389

**Introduced by Assembly Member Patterson
(Principal coauthor: Assembly Member Grove)
(Coauthor: Assembly Member Chávez)**

February 27, 2015

An act to add Section 1164.1 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1389, as introduced, Patterson. Agricultural Labor Relations Act: binding mediation.

Existing law establishes the conditions and time periods under which an agricultural employer, as defined, or a certified labor organization representing agricultural employees may file a declaration with the Agricultural Labor Relations Board stating that the parties have failed to reach a collective bargaining agreement, thus triggering a board order for mandatory mediation.

Existing law authorizes a party, within 60 days of the order by the Agricultural Labor Relations Board taking effect, to file an action to enforce the order. Existing law prohibits an order of the board from being stayed during the pendency of any appeal of the order unless the appellant demonstrates that he or she is likely to prevail on the merits and that he or she will be irreparably harmed by implementation of the board's order.

This bill would condition the effect and enforcement of an order resulting from the binding mediation on the order being approved by a majority of the members of the affected bargaining unit.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1164.1 is added to the Labor Code, to
2 read:
3 1164.1. An order issued by the mediator, the board, or the court
4 that would impose the terms of binding mediation pursuant Section
5 1164 shall not take effect or be enforceable until it is approved by
6 a majority of the agricultural employees of the bargaining unit
7 affected by the order.

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